



Mr Andrew Wilson  
Unit 1, 40 Arthur Street  
BALMAIN NSW 2041

D52/23  
RW (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION - Refusal**

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**Development Number:** 52/23

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**Land to which this applies:** 1 Carr Street, Waverton  
Lot No.: 1, DP: 1129652

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**Applicant:** Andrew Wilson

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**Proposal:** Installation of fence and hardstand car space

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**Determination of Development Application:** Subject to the provisions of Section 4.17 of the *Environmental Planning and Assessment Act 1979*, the subject application has been refused for the reasons stated below.

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**Date of Determination:** 20 September 2023

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**Reasons for Refusal:**

**1. Impact on significant Street Tree and character of a Conservation Area**

The proposed development would result in potential significant impacts to a large native street tree (Sydney Blue Gum), located within the Council verge in Euroka Street. Further, the location and orientation of the proposed hardstand and driveway are considered to be uncharacteristic in the Union, Bank, Thomas Street Conservation Area.

**Particulars:**

- a. The proposal would require the removal of a large native street tree - T3 *Eucalyptus saligna* (18m x 11m), from the Council verge in front of No.1 Carr Street (Euroka Street frontage).
- b. The tree is a semi-mature council street tree located to the side of the site in the Euroka Street frontage that is not part of the avenue planting and has significant growth potential.
- c. The likely disturbance to the tree's structural root zone is considered a major disturbance under the Australian Standard for The Protection of Trees on Development Sites AS4970.

- d. The subject site is located within the Union, Bank, and Thomas Street Conservation Area (CA15). The design of the parking hardstand and landscape design would introduce uncharacteristic development in the conservation area are detailed under Part C S9.10.7 of the NSDCP 2013.
- e. The impact to trees would be inconsistent with the objectives and provisions for Tree and Vegetation Management under s.16.2.1 and s.16.2.2 of NSDCP 2013, would not achieve the zone objectives for the R2 Low Density Residential zone or the aims of North Sydney LEP 2013.
- f. The resulting proposal would not comply with Landscape Area and Unbuilt-upon Area requirements of s1.5.6 of NSDCP 2013.
- g. The proposal provides 12.7% or 26.3 m<sup>2</sup> of landscape area that does not comply with the controls. The rear of the subject site contains existing unbuilt-upon area and site coverage area that will assist with compliance with the controls by the relocation of the hardstand and driveway to the rear off Euroka Street.
- h. The resulting proposal would not comply with Vehicular Access and Car Parking (s1.5.4 in NSDCP 2013)

**How community views were taken into account:**

The subject application was notified to adjoining properties and the Euroka Precinct for 14 days where a number of issues were raised that have been discussed in this report that recommends refusal of the development application.

Any variation to the Development Consent can only be made with the written approval of the Council. Major variations will require a new or amended Development Consent.

Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.

Section 4.55 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court pursuant to Section 8.7 of the Environmental Planning and Assessment Act, 1979.

**Endorsed for and on behalf of North Sydney Council**

**20 September 2023**

\_\_\_\_\_  
DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER (ASSESSMENTS)**